

Message Text

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TO AMEMBASSY SAN SALVADOR PRIORITY

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SUBJECT: HUMAN RIGHTS TEXT FOR CONGRESSIONAL PRESENTATION

1. BELOW IS TEXT DEPARTMENT WILL PRESENT TO CONGRESS RE
HUMAN RIGHTS SITUATION IN EL SALVADOR:

"I. POLITICAL SITUATION

EL SALVADOR HAS BEEN GOVERNED SINCE THE END OF WORLD
WAR II BY MILITARY OFFICERS. EXECUTIVE POWER IS VESTED IN
THE PRESIDENT (CHIEF OF STATE AND HEAD OF GOVERNMENT) AND
A COUNCIL OF MINISTERS (CABINET), WHICH IS APPOINTED BY THE
PRESIDENT. THE PRESENT GOVERNMENT IS HEADED BY COLONEL
ARMANDO MOLINA WHO CAME TO OFFICE IN 1972, AFTER A HIGHLY
CONTROVERSIAL ELECTION. IN THE ELECTIONS FOR THE ASSEMBLY
HELD IN MARCH 1976, THE GOVERNMENT PARTY (THE PARTY IN
POWER SINCE ITS FOUNDING IN -1961) RAN VIRTUALLY ;UNOPPOSED.
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THE OPPOSITION PARTY (PARTICIPANT IN THE POLITICAL PROCESS
SINCE 1964) HAD WITHDRAWN FROM THE CAMPAIGN THREE WEEKS
EARLIER, CHARGING CHICANERY ON THE PART OF THE GOVERNMENT-
APPOINTED ELECTORAL COMMISSION. THE NEXT PRESIDENTIAL
ELECTIONS ARE SLATED FOR FEBRUARY 1977.

"UNTIL LATE THIS YEAR, PRESIDENT MOLINA HAD FOUNDED MUCH OF HIS CAMPAIGN AND REGIME POLICY ON HIS PLANS FOR BROAD AGRARIAN TRANSFORMATION. IN OCTOBER 1976, HOWEVER, HE SUBMITTED TO PRIVATE SECTOR PRESSURES FOR DRASTIC REVISION OF THE AGRARIAN REFORM PROGRAM.

"THE SALVADORAN SOCIETY IS TRADITIONAL AND AGRARIAN AND THE POLITICAL, SOCIAL AND LEGAL SYSTEMS SERVE THE

INTERESTS OF THE MIDDLE AND UPPER EDUCATED CLASSES BETTER THAN THOSE OF THE POORER, LESS-EDUCATED RURAL MAJORITY.

"THE PARAMOUNT PROBLEMS CONFRONTING THE SALVADORAN GOVERNMENT INCLUDE DEMOGRAPHIC DENSITY (515 PERSONS PER SQ. MILE), VERY HIGH POPULATION GROWTH RATE (3.3 ANNUALLY), HIGH SEASONAL UNEMPLOYMENT, LIMITED UNUSED ARABLE LAND AND MINERAL RESOURCES, AN ECONOMY EXCESSIVELY DEPENDENT UPON COFFEE, AND A VERY UNEVEN DISTRIBUTION OF INCOME. RECENTLY THERE HAS ALSO BEEN VIOLENCE IN THE UNIVERSITY MILIEU, TRIGGERED BY ANNOUNCEMENT OF HIGHER TUITION FEES BUT RELATED TO EARLIER PROBLEMS AND AGITATION, INCLUDING THE 1972 GOES CLOSING OF THE UNIVERSITY OF EL SALVADOR.

"II. LEGAL SITUATION

THE GOVERNMENT OF EL SALVADOR FUNCTIONS UNDER A CONSTITUTION PROMULGATED IN 1962 WHICH IS GENERALLY OBSERVED. THE PRESIDENT AND VICE PRESIDENT, DEPUTIES TO CONSTITUENT AND LEGISLATIVE ASSEMBLIES, AND THE MEMBERS UNCLASSIFIED

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OF MUNICIPAL COUNCILS ARE DESIGNATED IN THE CONSTITUTION AS ELECTIVE OFFICIALS. TITLE X ON INDIVIDUAL RIGHTS (ARTICLES 150-178) GUARANTEES SALVADORAN CITIZENS MOST OF THE INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND FREEDOMS ALTHOUGH ACTUAL APPLICATION IN SOME INSTANCES MAY TAKE A BACKSEAT TO THE REGIME'S CONCERN FOR ORDER AND STABILITY. ARTICLES 150 AND 151 STATE THE FREEDOM AND EQUALITY OF ALL MEN BEFORE THE LAW, PROHIBITING RESTRICTIONS OF CIVIL RIGHTS BASED ON DIFFERENCES OF NATIONALITY, PEACE, SEX OR RELIGION. ALSO, "HEREDITARY OFFICES OR PRIVILEGES ARE NOT RECOGNIZED." DUE PROCESS OF LAW AND THE RIGHT TO PRIVACY ARE PROVIDED FOR UNDER TITLE X.

"ACCORDING TO ARTICLE 80, EXECUTIVE ACTION EXCEEDING CONSTITUTIONALLY GRANTED POWERS ARE CONSIDERED NULL AND VOID, NOT TO BE OBEYED AND ARTICLE 7 RECOGNIZES THE RIGHT OF THE PEOPLE TO INSURRECTION.

"III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN
RIGHT

A. INTEGRITY OF THE PERSON

ARTICLE 3: THE CONSTITUTION PROVIDES FOR OBSERVANCE
OF THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON IN
EL SALVADOR. HOWEVER, IN PRACTICE THE POORER AND RURAL
POPULACE DO NOT ENJOY EQUAL APPLICABILITY OF THIS PROVI-
SION.

ARTICLE 5: THE SALVADORAN GOVERNMENT DOES NOT CON-
DONE NOR IS THERE EVIDENCE OF A PATTERN OF TORTURE, IN-
HUMAN OR DEGRADING TREATMENT OR PUNISHMENT. THERE HAVE
REPORTEDLY BEEN SOME ISOLATED INSTANCES, HOWEVER, OF
ACTIONS PERPETRATED BY GOES AGENTS WHICH COULD BE CON-
SIDERED REPRESSIVE. WE HAVE LEARNED OF NO EVIDENCE OF
THE PRACTICE OF TORTURE OR SYSTEMATIC INHUMAN TREATMENT
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OF PRISONERS.

ARTICLE 8: ACCESS TO LEGAL REMEDIES IS GENERALLY
MORE DIFFICULT FOR THE DISADVANTAGED AND FOR POLITICAL
OPPONENTS.

ARTICLE 9: SINCE OLIGARCHIC INTERESTS ARE REFLECTED
IN THE GOVERNMENT'S EXERCISE OF POWER, ARBITRARY ARRESTS
AND DETENTIONS DO OCCUR.

THERE IS A WELL-KNOWN CASE OF FORCED EXILE, INVOLV-
ING A SALVADORAN CHRISTIAN DEMOCRAT LEADER AND 1971
PRESIDENTIAL CANDIDATE, NAPOLEON DUARTE WHO HAS LIVED IN
VENEZUELA FOR THE PAST 4 YEARS.

ARTICLE 10: WE HAVE BEEN ADVISED THAT PERSONS PLACED
UNDER ARREST GENERALLY ARE CHARGED OR RELEASED WITHIN
24 HOURS, THAT THEY ARE INFORMED OF THE CHARGES, AND THAT
THEY HAVE ACCESS TO LEGAL COUNSEL AND FAMILIES DURING THE
PERIOD OF DETAINMENT.

ARTICLE 11: THE AVAILABILITY OF A FAIR TRIAL IS A
FUNCTION OF EDUCATION, CLASS AND INFLUENCE. POLITICAL
PARTY OPPOSITIONISTS AND THE IMPOVERISHED MAY SUFFER IN
THIS REGARD.

ARTICLE 13: AS MENTIONED ABOVE, AN INFLUENTIAL
POLITICAL OPPONENT OF PRESIDENT MOLINA, NAPOLEON DUARTE
HAS BEEN PREVENTED FROM REENTERING EL SALVADOR. IN
SEPTEMBER 1976, VIA AN OPEN LETTER TO THE PRESIDENT MOLINA

HE REQUESTED, AS ON OTHER-OCCASIONS, TO BE PERMITTED TO RETURN TO EL SALVADOR. HIS PLEA WAS NOT ANSWERED, ALTHOUGH ARTICLE 154 OF THE CONSTITUTION ENTITLES EVERY PERSON TO THE RIGHT TO ENTER AND REMAIN IN THE TERRITORY OF THE REPUBLIC AND PROHIBITS COMPELLING ANYONE TO CHANGE HIS DOMICILE OR RESIDENCE.

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B. OTHER IMPORTANT FREEDOMS

SALVADORANS ARE PERMITTED LIMITED FREEDOM OF OPINION, EXPRESSION, RELIGION, MOVEMENT AND ASSEMBLY.

"IV. OTHER HUMAN RIGHTS REPORTING

THE ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS FOR 1976 CONTAINS NO ENTRY FOR EL SALVADOR.

THE AMNESTY INTERNATIONAL REPORT ON TORTURE, PUBLISHED IN 1973, STATED THAT ALLEGATIONS OF TORTURE IN EL SALVADOR HAD BEEN RECEIVED ON TWO OCCASIONS, IN JULY 1972 AND FEBRUARY 1973, "WHEN A CONSIDERABLE NUMBER OF STUDENTS, WORKERS AND TEACHERS WERE ARRESTED FOR POLITICAL REASONS." ACCORDING TO "PRIVATE SOURCES" AND NEWSPAPERS, THE TORTURE OCCURRED IMMEDIATELY AFTER ARREST. THE REPORT ALSO NOTES THAT "FURTHER ALLEGATIONS OF TORTURE OF MEMBERS OF THE CHRISTIAN DEMOCRATIC PARTY LED THE CONGRESS OF EL SALVADOR, IN JUNE 1973, TO VOTE FOR A PARLIAMENTARY INVESTIGATION INTO THE METHODS USED BY POLICE DURING INTERROGATION."

THE AMNESTY INTERNATIONAL REPORT 1975-1976 STATES THAT "ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS WERE INFREQUENT, BUT SEVERE." AMNESTY SAYS IT SOUGHT INFORMATION, UNSUCCESSFULLY, ON FOUR CASES OF PERSONS WHO WERE ALLEGEDLY IN DETENTION BUT WHOSE ARREST WAS DENIED BY THE AUTHORITIES. SALVADORAN OPPOSITION MEMBERS CLAIM THAT ARMED CIVILIANS, BELONGING TO A PARA-MILITARY ORGANIZATION, USE MINOR VIOLENCE AGAINST THE OPPOSITION AND IN SUPPORT OF OFFICIAL SECURITY FORCES. THE REPORT ALSO DESCRIBES A JULY 1975 CONFRONTATION BETWEEN SECURITY FORCES AND A STUDENT DEMONSTRATION PROTESTING ALLEGED POLICE BRUTALITY. ONE STUDENT WAS OFFICIALLY ACKNOWLEDGED

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TO HAVE DIED, BUT AN AMNESTY DOSSIER PRESENTED TO SALVADORAN AUTHORITIES IN MAY 1976 LISTED 21 STUDENTS, SEEN DEAD OR DYING, WHO "DISAPPEARED" AFTER BEING REMOVED IN AMBULANCES BY SECURITY UNITS.

FREEDOM HOUSE LISTS EL SALVADOR AS "FREE."
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